UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/550,686	04/17/2000	Julia Hirschberg	2000-0026	1854

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ART UNIT	PAPER NUMBER
2626	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	09/550,686	HIRSCHBERG ET AL.
	Examiner	Art Unit
	Lamont M. Spooner	2626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>30 August 2007</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,4,5,8-10,24 and 27-31* is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,4, 5,8-10,24 and 27-31* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *17 April 2000* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☐ All   b)☐ Some * c)☐ None of:

   1.☐ Certified copies of the priority documents have been received.

   2.☐ Certified copies of the priority documents have been received in Application No. _____.

   3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.
5)☐ Notice of Informal Patent Application (PTO-152)
6)☐ Other: _____.

DETAILED ACTION

Introduction

1.   This office action is in response to applicant's amendments filed

8/30/07. Claims 1, 4, 5, 8-10, 24 and 27-31 are currently pending and have

been examined. No IDS has been filed.

Response to Arguments

2.   Applicant's arguments with respect to claims 1, 8, and 24 (and all

dependent claims) have been considered but are moot in view of the new

ground(s) of rejection.

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the

basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

4.   Claims 1, 4, 5, 9,10, 24, and 27, 28, 30, and 31 are rejected under 35

U.S.C. 103(a) as being unpatentable over Epstein et al (6,327,343) in view

of Kanevsky et al. (Kanevesky, US 6,219,407).

As per **claims 1 and 24**, Epstein et al teach a method for indexing

voice mail messages, comprising:

"Receiving one or more voice mail messages from one or more callers" (co1. 6, lines 50-55);

"Determining the identity of each of the one or more callers in each of the one or more voice mail messages (1) by comparing the speech signals from each of the one or more voice mail messages with one or more caller speaker models" (col. 7, lines 22-26) and (2) based on an analysis of the content of each of the one or more voice mail messages (C.7.lines 32-35- "his extractions of the callers name" as the content of the message);

"Tagging each of the one or more voice mail messages with the respective identity of the caller for each respective voice mail message" (abstract, the system is able of tagging the identity I of a caller, col. 5, lines 37-45, his identification tagger 30); and

when the identify of the caller of a voice mail message cannot be determined; tagging that voice mail message as unknown" (col. 7, lines 55-61, if the identity of the caller ultimately cannot be identified, the user (voice mail subscriber) 12 may program the system trough the programming interface 38 to process the call based on the unknown caller; and the system may be programmed to store the name and originating telephone number of every caller at col. 8, lines 15-17).

a storage folder for voice mail messages from the caller

corresponding to the identity (C.13.lines 39-65)

It is noted that Epstein et al teach the claimed invention but does not

explicitly teach receiving an identity of the unknown message caller from a

voice mail subscriber, and creating a storage folder for voice mail

messages from the caller corresponding to the received identity. However,

this feature is well known in the art as evidenced by Kanevsky et al who

teaches (col. 5, lines 38-42, the subscriber enrolls the new caller, see also

C.9.lines 29-35). Therefore, one having ordinary skill in the art at the time

the invention was made would have found it obvious to modify Epstein

voice mail message for callers the enrollment of new callers as taught by

Kanevsky because the system would enroll any new message from a new

caller for subsequent processing, i.e. storing messages from the caller in a

particular folder, etc (ibid, Kanevsky).

As per **claims 4 and 27**, Epstein and Kanevsky make obvious claim

1, Epstein further teaches wherein the one or more caller speaker models

are created from one or more voice mail messages left by a same caller

(C.5.lines 10-17-his voice data as the voice mail message).

As per **claims 5 and 28**, Epstein and Kanevsky make obvious claim 1, Epstein further teaches wherein the one or more speaker models are created using acoustic features extracted from the voice mail message, the acoustic features extracted using speaker recognition techniques (C.8.lines 36-56).

As per **claims 9 and 30**, Epstein and Kanevsky make obvious claim 1, Epstein further teaches wherein the step of determining the identity of each of the one or more callers in each of the one or more voice mail messages includes the substep of:

using automatic number identification to assist in determining the caller's identity (C.5 lines 52-65).

As per claims 10 and 31, Epstein and Kanevsky make obvious claim 1, Epstein further teaches, wherein the step of determining the identity of each of the one or more callers includes the substep of:

using speech recognition techniques to extract caller identity information from the one or more voice mail messages (C.8.lines 36-55).

5.   Claims 8 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Epstein et al (6,327,343) in view of Kanevsky et al.

(Kanevesky, US 6,219,407), and further in view of Murveit et al. (Murveit,

US 6,766,295).

As per **claim 8**, Epstein et al teach a method for indexing voice mail

messages, comprising:

"Receiving one or more voice mail messages from one or more

callers" (co1. 6, lines 50-55);

"Determining the identity of each of the one or more callers in each of

the one or more voice mail messages (1) by comparing the speech signals

from each of the one or more voice mail messages with one or more caller

speaker models" (col. 7, lines 22-26) and (2) based on an analysis of the

content of each of the one or more voice mail messages (C.7.lines 32-35-

"his extractions of the callers name" as the content of the message);

"Tagging each of the one or more voice mail messages with the

respective identity of the caller for each respective voice mail message"

(abstract, the system is able of tagging the identity I of a caller, col. 5, lines

37-45, his identification tagger 30); and

when the identify of the caller of a voice mail message cannot be

determined; tagging that voice mail message as unknown" (col. 7, lines 55-

61, if the identity of the caller ultimately cannot be identified, the user (voice

mail subscriber) 12 may program the system trough the programming

interface 38 to process the call based on the unknown caller; and the

system may be programmed to store the name and originating telephone

number of every caller at col. 8, lines 15-17)

It is noted that Epstein et al teach the claimed invention but does not

explicitly teach receiving an identity of the unknown message caller from a

voice mail subscriber. However, this feature is well known in the art as

evidenced by Kanevsky et al who teaches (col. 5, lines 38-42, the

subscriber enrolls the new caller, see also C.9.lines 29-35). Therefore, one

having ordinary skill in the art at the time the invention was made would

have found it obvious to modify Epstein voice mail message for callers the

enrollment of new callers as taught by Kanevsky because the system

would enroll any new message from a new caller for subsequent

processing, i.e. storing messages from the caller in a particular folder, etc

(ibid, Kanevsky).

It is further noted that Epstein and Kanevsky do not explicitly teach,

wherein the voice mail message tagged as unknown is used to adapt a

previously created speaker model. However, this feature is well known in

the art as evidenced by Murveit, who teaches adapting a previously created

speaker model (abstract) in a first session with a speaker. Therefore, at the

time of the invention, it would have been obvious to modify the combination

of Kanevsky with Epstein's model with a modified model for a first

encounter for the benefit of improving the speech recognition system for a

speaker (abstract) who's identity is to be determined.

As per **claim 29**, claim 29 sets forth limitations similar to claims 1 and

8 is completely within the scope of rejected claims 1, and 8, and is thus

rejected for the same reasons and under the same rationale.

Conclusion

6.   Applicant's amendment necessitated the new ground(s) of rejection

presented in this Office action. Accordingly, **THIS ACTION IS MADE**

FINAL. See MPEP § 706.07(a). Applicant is reminded of the extension of

time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to

expire THREE MONTHS from the mailing date of this action. In the event a

first reply is filed within TWO MONTHS of the mailing date of this final

action and the advisory action is not mailed until after the end of the

THREE-MONTH shortened statutory period, then the shortened statutory

period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lamont M. Spooner whose telephone number is 571/272-7613. The examiner can normally be reached on 8:00 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Edouard can be reached on 571/272-7603. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained

from the Patent Application Information Retrieval (PAIR) system. Status

information for published applications may be obtained from either Private

PAIR or Public PAIR. Status information for unpublished applications is

available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on

access to the Private PAIR system, contact the Electronic Business Center

(EBC) at 866-217-9197 (toll-free).

lms
10/15/07

PATRICK N. EDOUARD
SUPERVISORY PATENT EXAMINER